



General Assembly

January Session, 2015

Amendment

LCO No. 8007



Offered by:
REP. FRITZ, 90th Dist.

To: House Bill No. 6848

File No. 753

Cal. No. 495

"AN ACT PROTECTING VICTIMS OF DOMESTIC VIOLENCE."

1 After the last section, add the following and renumber sections and
2 internal references accordingly:

3 "Sec. 501. Subsection (b) of section 29-37p of the general statutes is
4 repealed and the following is substituted in lieu thereof (*Effective*
5 *October 1, 2015*):

6 (b) The Commissioner of Emergency Services and Public Protection
7 shall issue a long gun eligibility certificate unless said commissioner
8 finds that the applicant: (1) Has failed to successfully complete a
9 course approved by the Commissioner of Emergency Services and
10 Public Protection in the safety and use of firearms including, but not
11 limited to, a safety or training course in the use of firearms available to
12 the public offered by a law enforcement agency, a private or public
13 educational institution or a firearms training school, utilizing
14 instructors certified by the National Rifle Association or the
15 Department of Energy and Environmental Protection and a safety or

16 training course in the use of firearms conducted by an instructor
17 certified by the state or the National Rifle Association; (2) has been
18 convicted of (A) a felony, or (B) on or after October 1, 1994, a violation
19 of subsection (c) of section 21a-279 or section 53a-58, 53a-61, 53a-61a,
20 53a-62, 53a-63, 53a-96, 53a-175, 53a-176, 53a-178 or 53a-181d; (3) has
21 been convicted as delinquent for the commission of a serious juvenile
22 offense, as defined in section 46b-120; (4) has been discharged from
23 custody within the preceding twenty years after having been found
24 not guilty of a crime by reason of mental disease or defect pursuant to
25 section 53a-13; (5) has been confined in a hospital for persons with
26 psychiatric disabilities, as defined in section 17a-495, within the
27 preceding sixty months by order of a probate court; (6) has been
28 voluntarily admitted to a hospital for persons with psychiatric
29 disabilities, as defined in section 17a-495, within the preceding six
30 months for care and treatment of a psychiatric disability and not solely
31 for being an alcohol-dependent person or a drug-dependent person as
32 those terms are defined in section 17a-680; (7) is subject to a restraining
33 or protective order issued by a court in a case involving the use,
34 attempted use or threatened use of physical force against another
35 person, including an ex parte order issued pursuant to section 46b-15,
36 as amended by this act, or 46b-16a, as amended by this act; (8) is
37 subject to a firearms seizure order issued pursuant to subsection (d) of
38 section 29-38c after notice and hearing; (9) is prohibited from shipping,
39 transporting, possessing or receiving a firearm pursuant to 18 USC
40 922(g)(4); or (10) is an alien illegally or unlawfully in the United States.

41 Sec. 502. Subsection (b) of section 29-28 of the general statutes is
42 repealed and the following is substituted in lieu thereof (*Effective*
43 *October 1, 2015*):

44 (b) Upon the application of any person having a bona fide
45 permanent residence within the jurisdiction of any such authority,
46 such chief of police, warden or selectman may issue a temporary state
47 permit to such person to carry a pistol or revolver within the state,
48 provided such authority shall find that such applicant intends to make

49 no use of any pistol or revolver which such applicant may be
50 permitted to carry under such permit other than a lawful use and that
51 such person is a suitable person to receive such permit. No state or
52 temporary state permit to carry a pistol or revolver shall be issued
53 under this subsection if the applicant (1) has failed to successfully
54 complete a course approved by the Commissioner of Emergency
55 Services and Public Protection in the safety and use of pistols and
56 revolvers including, but not limited to, a safety or training course in
57 the use of pistols and revolvers available to the public offered by a law
58 enforcement agency, a private or public educational institution or a
59 firearms training school, utilizing instructors certified by the National
60 Rifle Association or the Department of Energy and Environmental
61 Protection and a safety or training course in the use of pistols or
62 revolvers conducted by an instructor certified by the state or the
63 National Rifle Association, (2) has been convicted of (A) a felony, or (B)
64 on or after October 1, 1994, a violation of subsection (c) of section 21a-
65 279 or section 53a-58, 53a-61, 53a-61a, 53a-62, 53a-63, 53a-96, 53a-175,
66 53a-176, 53a-178 or 53a-181d, (3) has been convicted as delinquent for
67 the commission of a serious juvenile offense, as defined in section 46b-
68 120, (4) has been discharged from custody within the preceding twenty
69 years after having been found not guilty of a crime by reason of mental
70 disease or defect pursuant to section 53a-13, (5) (A) has been confined
71 in a hospital for persons with psychiatric disabilities, as defined in
72 section 17a-495, within the preceding sixty months by order of a
73 probate court, or (B) has been voluntarily admitted on or after October
74 1, 2013, to a hospital for persons with psychiatric disabilities, as
75 defined in section 17a-495, within the preceding six months for care
76 and treatment of a psychiatric disability and not solely for being an
77 alcohol-dependent person or a drug-dependent person as those terms
78 are defined in section 17a-680, (6) is subject to a restraining or
79 protective order issued by a court in a case involving the use,
80 attempted use or threatened use of physical force against another
81 person, including an ex parte order issued pursuant to section 46b-15,
82 as amended by this act, or 46b-16a, as amended by this act, (7) is
83 subject to a firearms seizure order issued pursuant to subsection (d) of

84 section 29-38c after notice and hearing, (8) is prohibited from shipping,
85 transporting, possessing or receiving a firearm pursuant to 18 USC
86 922(g)(4), (9) is an alien illegally or unlawfully in the United States, or
87 (10) is less than twenty-one years of age. Nothing in this section shall
88 require any person who holds a valid permit to carry a pistol or
89 revolver on October 1, 1994, to participate in any additional training in
90 the safety and use of pistols and revolvers. No person may apply for a
91 temporary state permit to carry a pistol or revolver more than once
92 within any twelve-month period, and no temporary state permit to
93 carry a pistol or revolver shall be issued to any person who has
94 applied for such permit more than once within the preceding twelve
95 months. Any person who applies for a temporary state permit to carry
96 a pistol or revolver shall indicate in writing on the application, under
97 penalty of false statement in such manner as the issuing authority
98 prescribes, that such person has not applied for a temporary state
99 permit to carry a pistol or revolver within the past twelve months.
100 Upon issuance of a temporary state permit to carry a pistol or revolver
101 to the applicant, the local authority shall forward the original
102 application to the commissioner. Not later than sixty days after
103 receiving a temporary state permit, an applicant shall appear at a
104 location designated by the commissioner to receive the state permit.
105 The commissioner may then issue, to any holder of any temporary
106 state permit, a state permit to carry a pistol or revolver within the state.
107 Upon issuance of the state permit, the commissioner shall make
108 available to the permit holder a copy of the law regarding the permit
109 holder's responsibility to report the loss or theft of a firearm and the
110 penalties associated with the failure to comply with such law. Upon
111 issuance of the state permit, the commissioner shall forward a record
112 of such permit to the local authority issuing the temporary state
113 permit. The commissioner shall retain records of all applications,
114 whether approved or denied. The copy of the state permit delivered to
115 the permittee shall be laminated and shall contain a full-face
116 photograph of such permittee. A person holding a state permit issued
117 pursuant to this subsection shall notify the issuing authority within
118 two business days of any change of such person's address. The

119 notification shall include the old address and the new address of such
120 person.

121 Sec. 503. Subsection (b) of section 29-36f of the general statutes is
122 repealed and the following is substituted in lieu thereof (*Effective*
123 *October 1, 2015*):

124 (b) The Commissioner of Emergency Services and Public Protection
125 shall issue an eligibility certificate unless said commissioner finds that
126 the applicant: (1) Has failed to successfully complete a course
127 approved by the Commissioner of Emergency Services and Public
128 Protection in the safety and use of pistols and revolvers including, but
129 not limited to, a safety or training course in the use of pistols and
130 revolvers available to the public offered by a law enforcement agency,
131 a private or public educational institution or a firearms training school,
132 utilizing instructors certified by the National Rifle Association or the
133 Department of Energy and Environmental Protection and a safety or
134 training course in the use of pistols or revolvers conducted by an
135 instructor certified by the state or the National Rifle Association; (2)
136 has been convicted of a felony or of a violation of subsection (c) of
137 section 21a-279 or section 53a-58, 53a-61, 53a-61a, 53a-62, 53a-63, 53a-
138 96, 53a-175, 53a-176, 53a-178 or 53a-181d; (3) has been convicted as
139 delinquent for the commission of a serious juvenile offense, as defined
140 in section 46b-120; (4) has been discharged from custody within the
141 preceding twenty years after having been found not guilty of a crime
142 by reason of mental disease or defect pursuant to section 53a-13; (5) (A)
143 has been confined in a hospital for persons with psychiatric
144 disabilities, as defined in section 17a-495, within the preceding sixty
145 months by order of a probate court; or (B) has been voluntarily
146 admitted on or after October 1, 2013, to a hospital for persons with
147 psychiatric disabilities, as defined in section 17a-495, within the
148 preceding six months for care and treatment of a psychiatric disability
149 and not solely for being an alcohol-dependent person or a drug-
150 dependent person as those terms are defined in section 17a-680; [.] (6)
151 is subject to a restraining or protective order issued by a court in a case

152 involving the use, attempted use or threatened use of physical force
153 against another person, including an ex parte order issued pursuant to
154 section 46b-15, as amended by this act, or 46b-16a, as amended by this
155 act; (7) is subject to a firearms seizure order issued pursuant to
156 subsection (d) of section 29-38c after notice and hearing; (8) is
157 prohibited from shipping, transporting, possessing or receiving a
158 firearm pursuant to 18 USC 922(g)(4); or (9) is an alien illegally or
159 unlawfully in the United States.

160 Sec. 504. Subsection (b) of section 29-32b of the general statutes is
161 repealed and the following is substituted in lieu thereof (*Effective*
162 *October 1, 2015*):

163 (b) Any person aggrieved by any refusal to issue or renew a permit
164 or certificate under the provisions of section 29-28, as amended by this
165 act, 29-36f, as amended by this act, 29-37p, as amended by this act, or
166 29-38n, or by any limitation or revocation of a permit or certificate
167 issued under any of said sections, or by a refusal or failure of any
168 issuing authority to furnish an application as provided in section 29-
169 28a, may, within ninety days after receipt of notice of such refusal,
170 limitation or revocation, or refusal or failure to supply an application
171 as provided in section 29-28a, and without prejudice to any other
172 course of action open to such person in law or in equity, appeal to the
173 board. On such appeal the board shall inquire into and determine the
174 facts, de novo, and unless it finds that such a refusal, limitation or
175 revocation, or such refusal or failure to supply an application, as the
176 case may be, would be for just and proper cause, it shall order such
177 permit or certificate to be issued, renewed or restored, or the limitation
178 removed or modified, as the case may be. If the refusal was for failure
179 to document compliance with local zoning requirements, under
180 subsection (a) of section 29-28, or if the local authority refused to issue
181 a permit pursuant to subdivision (b) of section 29-28, as amended by
182 this act, because the applicant is subject to a restraining or protective
183 order issued by a court in a case involving the use, attempted use or
184 threatened use of physical force against another person, including an

185 ex parte order issued pursuant to section 46b-15, as amended by this
186 act, or 46b-16a, as amended by this act, the board shall not issue a
187 permit.

188 Sec. 505. Subsection (g) of section 46b-15 of the general statutes is
189 repealed and the following is substituted in lieu thereof (*Effective*
190 *October 1, 2015*):

191 (g) The applicant shall cause notice of the hearing pursuant to
192 subsection (b) of this section and a copy of the application and the
193 applicant's affidavit and of any ex parte order issued pursuant to
194 subsection (b) of this section to be served on the respondent not less
195 than five days before the hearing. The cost of such service shall be paid
196 for by the Judicial Branch. Upon the granting of an ex parte order, the
197 clerk of the court shall provide two copies of the order to the applicant.
198 Upon the granting of an order after notice and hearing, the clerk of the
199 court shall provide two copies of the order to the applicant and a copy
200 to the respondent. Every order of the court made in accordance with
201 this section after notice and hearing shall be accompanied by a
202 notification that is consistent with the full faith and credit provisions
203 set forth in 18 USC 2265(a), as amended from time to time.
204 Immediately after making service on the respondent, the proper officer
205 shall send or cause to be sent, by facsimile or other means, a copy of
206 the application, or the information contained in such application,
207 stating the date and time the respondent was served, to the law
208 enforcement agency or agencies for the town in which the applicant
209 resides, the town in which the applicant is employed and the town in
210 which the respondent resides. The clerk of the court shall send, by
211 facsimile or other means, a copy of any ex parte order and of any order
212 after notice and hearing, or the information contained in any such
213 order, to the law enforcement agency or agencies for the town in which
214 the applicant resides, the town in which the applicant is employed and
215 the town in which the respondent resides, within forty-eight hours of
216 the issuance of such order, and immediately to the Commissioner of
217 Emergency Services and Public Protection and each local authority that

218 issues a permit or certificate pursuant to section 29-28, as amended by
219 this act, 29-36f, as amended by this act, 29-37p, as amended by this act,
220 or 29-38n. If the victim is enrolled in a public or private elementary or
221 secondary school, including a technical high school, or an institution of
222 higher education, as defined in section 10a-55, the clerk of the court
223 shall, upon the request of the victim, send, by facsimile or other means,
224 a copy of such ex parte order or of any order after notice and hearing,
225 or the information contained in any such order, to such school or
226 institution of higher education, the president of any institution of
227 higher education at which the victim is enrolled and the special police
228 force established pursuant to section 10a-156b, if any, at the institution
229 of higher education at which the victim is enrolled.

230 Sec. 506. Subsection (d) of section 46b-16a of the general statutes is
231 repealed and the following is substituted in lieu thereof (*Effective*
232 *October 1, 2015*):

233 (d) The applicant shall cause notice of the hearing pursuant to
234 subsection (b) of this section and a copy of the application and the
235 applicant's affidavit and of any ex parte order issued pursuant to
236 subsection (b) of this section to be served by a proper officer on the
237 respondent not less than five days before the hearing. The cost of such
238 service shall be paid for by the Judicial Branch. Upon the granting of
239 an ex parte order, the clerk of the court shall provide two copies of the
240 order to the applicant. Upon the granting of an order after notice and
241 hearing, the clerk of the court shall provide two copies of the order to
242 the applicant and a copy to the respondent. Every order of the court
243 made in accordance with this section after notice and hearing shall be
244 accompanied by a notification that is consistent with the full faith and
245 credit provisions set forth in 18 USC 2265(a), as amended from time to
246 time. Immediately after making service on the respondent, the proper
247 officer shall send or cause to be sent, by facsimile or other means, a
248 copy of the application, or the information contained in such
249 application, stating the date and time the respondent was served, to
250 the law enforcement agency or agencies for the town in which the

251 applicant resides, the town in which the applicant is employed and the
 252 town in which the respondent resides. The clerk of the court shall
 253 send, by facsimile or other means, a copy of any ex parte order and of
 254 any order after notice and hearing, or the information contained in any
 255 such order, to the law enforcement agency or agencies for the town in
 256 which the applicant resides, the town in which the applicant is
 257 employed and the town in which the respondent resides, not later than
 258 forty-eight hours after the issuance of such order, and immediately to
 259 the Commissioner of Emergency Services and Public Protection and
 260 each local authority that issues a permit or certificate pursuant to
 261 section 29-28, as amended by this act, 29-36f, as amended by this act,
 262 29-37p, as amended by this act, or 29-38n. If the applicant is enrolled in
 263 a public or private elementary or secondary school, including a
 264 technical high school, or an institution of higher education, as defined
 265 in section 10a-55, the clerk of the court shall, upon the request of the
 266 applicant, send, by facsimile or other means, a copy of such ex parte
 267 order or of any order after notice and hearing, or the information
 268 contained in any such order, to such school or institution of higher
 269 education, the president of any institution of higher education at
 270 which the applicant is enrolled and the special police force established
 271 pursuant to section 10a-142, if any, at the institution of higher
 272 education at which the applicant is enrolled."

This act shall take effect as follows and shall amend the following sections:		
Sec. 501	October 1, 2015	29-37p(b)
Sec. 502	October 1, 2015	29-28(b)
Sec. 503	October 1, 2015	29-36f(b)
Sec. 504	October 1, 2015	29-32b(b)
Sec. 505	October 1, 2015	46b-15(g)
Sec. 506	October 1, 2015	46b-16a(d)